

EX PARTE OR LATE FILED

William Caton

Docket # 04-70

From: Elizabeth Mumaw
Sent: Wednesday, July 21, 2004 1:14 PM
To: William Caton
Subject: RE: Cingular Wireless Acquisition of AT&T Wireless. PLEASE

ORIGINAL RECEIVED

JUL 21 2004

Federal Communications Commission
Office of the Secretary

-----Original Message-----

From: Chris Nascimento [mailto:cmnase@yahoo.com]
Sent: Thursday, July 15, 2004 11:56 PM
To: jim.petro@ag.state.oh.us; David Solomon; dennis.carlton@fcc.gov; Colleen Heitkamp; Timothy.Muris@ftc.gov; antitrust@ftc.gov; duane.ackerman@bellsouth.com; ceo@bellsouth.com; Feedback.Directors@bellsouth.com; stanley.sigman@cingular.com; ceo@cingular.com; feedback.directors@cingular.com
Cc: jennifer.unger@cingular.com; gloria.masterson@cingular.com; yolanda.glass@cingular.com; coral.pogue@cingular.com; ishmael.romero@cingular.com; patsy.zemlo@cingular.com; BushCheney04@GeorgeWBush.com; campaign@johnkerry.com
Subject: Cingular Wireless Acquisition of AT&T Wireless. PLEASE RESPOND.

July 14, 2004

Ladies and Gentleman,

I am writing you regarding my concern over the equation of AT&T Wireless by Cingular Wireless. As a Cingular Wireless customers, my wife and I have experienced tremendously poor customer service and spotty wireless service, coupled with practices that seem to resemble price gouging. This includes customer service personnel whose disposition ranges from indifferent to offensive, rude and at times vulgar. We have been under contract to Cingular now on and off for the past couple of years. We are former Ameritech customers who became Cingular customers when Cingular took over Ohio's Ameritech customer base a few years ago. We have become increasingly dissatisfied with Cingular's service and business practices. I believe part of the problem is the deregulation of the phone industry that has resulted in less competition for large conglomerates such as Cingular Wireless. Loss of competition from my vantage point has reduced their commitment to providing a quality product and in turn focuses more on creative increases of profit margins. Our experiences are shared below, with specific examples. If these are too extensive for your immediate review, please move to the heading of "Summary" My personal experiences have been as follows:

Our Experiences with Cingular Service and Policies

We are supposed to receive monthly bills in the mail summarizing use and expenditures. We are paying slightly extra for a detailed billing statement. Yet we only intermittently receive bills if at all. When we call to complain and request a bill to be sent to us, we are told each copy is \$5.00 and we will be charged for this.

We tried online access to our account to alleviate this problem. To set this up was a monumental task in and of itself. Every time we tried to create such an account, we were informed that was a corporate hierarchy account and told to contact customer service. This was problematic for several reasons. First, the account was never a "corporate hierarchy" account through either of our employers. I had originally opened our account simply by walking in and signing a contract with Ameritech in one of their former stores in Ohio area during 1992.

We contacted Cingular a number of times to resolve this issue without success in a number of ways. We called customer service often waiting on the phone for hours and hours. We were sometimes told they could not help us or we were told they had corrected the problem. The problem was not corrected. We went into a few different Cingular stores in our area several different times at asked for help. Meanwhile, we did not receive our bills, could not access are accounts and had to guess at our amount owed and due

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dates. This resulted in us spending hours on the phone. I was frequently told that I was not on the account and they could not give me any information, even though it was me who opened the accounts. I could not even find out how much to pay or pay the bill. This resulted in numerous disconnections for "lack of payment" and artificially generated "disconnection fees".

We experience the same problems with them. After a period of almost eight months I found someone who finally did resolve the problem of me not being on the account and they added me on as the primary account holder and my wife as a secondary account holder. It took another couple of months to resolve the hierarchy account issue. We were finally able to access our statements online. This lasted for a couple of months. Suddenly we found we were unable to access our accounts online. When my wife would call to discuss the matter, inquire about payment or discuss our bills, now she would be told she was not an authorized account holder. She would give them our password and they would still refuse to grant her access, though on a couple of rare occasions they did allow her to pay over the phone on the account with the guessed at bill using a check or credit card. I also called to complain and to resolve her being authorized to access the account. I also went into a store with her in the Western Hills area to address this. Each time I was told the problem was fixed, each time the problem was never corrected. Also we have been unable to access our statements or bill online. Despite being told numerous times this problem had been corrected, this was never resolved. As recently as May 27th we talked to a customer service representative named Patsy Zemlock. My wife had called to find the amount and pay on the account. After being left on hold for an extended time, she reached Patsy. Refusing to allow my wife access, being extremely rude and nasty for another extended period of time, she told my wife Wendy, if I talked to her and granted permission, she would add her on the account. I got on the phone, instructed her to do so and she indicated she would take care of it.

My wife again called last month and was again told that she was not on the account. When she shared the contents of our interactions with a Cingular representative named "Daniel" she was told that our interaction with Patsy never occurred and that my wife was a liar. He was extremely rude, used profanity when she disputed this, then hung up on my wife. I later called Cingular and was assured the account access issue and password issues have been resolved, though they disputed any rude treatment of my wife had occurred as it was "not in the system". I also explained that we still could not access the account on line. I again had tried to repeatedly and then got a message indicating that I was "locked out". I was told this would also be corrected.

Last Friday July 9th, 2004 while I was sick with kidney problems, my wife called to again inquire about the amount due. Again she was told she was not on the account. She argued significantly with the customer service representative. Finally the customer service representative agreed to tell her the amount needing to be paid stating it was \$110.00 to pay the amount due so no interruption would occur and allowed my wife to submit a check over the phone. My wife submitted a check "over the phone" for the amount of \$110.00. It posted on July 12th, 2004. Below is the transaction as provided by our bank:

07/12/2004	\$110.00	TELEPHONE INITIATED PAYMENT AT CINGULAR WIRELESS PAYMENT 206675954000GLR 071204.
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I later tried to access the account online and still could not do so.

Today, July 14th, I found that our service had been interrupted. I was at a doctor's appointment and could not address the issue immediately. I called my wife briefly at her work, asking her to see why they had not credited our account. She used her lunch to call and contacted a customer service representative by the name of Ishmael Romero at around 11:35 AM. Ishmael told her the account had been disconnected for non-payment and refused to discuss the situation with her, stating she was not on the account. She shared with him that prior calls which she was supposedly granted access Ishmael informed her she could only talk to them if he could contact me and I granted her permission. He told her he would call our home number to gain my permission. My wife exasperatedly pointed out that as I was at doctor's appointment, he would be unable to reach me at the number. He asked for a contact number for me and she told him the only way to reach me was with my now disconnected wireless phone. He agreed to temporarily restore service for a few hours on this phone, so he could call me. I received a call from a number unknown to me appearing to originate from 432-289-3300 at 11:57 PM. As I was in the middle of my appointment, I was unable to answer. Expecting the problem had been resolved, after my appointment on the way back to work, I called my voicemail to find a message from Ishmael indicating the service restoration was

temporary and I needed to call to give permission for account access to my wife. He left no return number. I spoke to my wife afterward who explained to me what again was occurring. When I reached work, I tried again to access our account online with no success. My wife had given me the number to reach Ishmael with and I returned the call to 1-800-947-5096. A representative named Coral Pogue answered and told me we had to pay our bill which she claimed was \$221.84 cents or our account would be cut off. I questioned her extensively about why this was so, when my wife had just paid the amount she was told to on Friday, July 9th. Coral then claimed we had only paid this after having service disconnected which had occurred on July 14th. Though it was obvious to me that in fact July 9th (the date of our payment) in fact precedes the cut off date she gave me of July 14th, it was not obvious to her. I then asked her if this was the amount, why my wife was given the wrong amount. She claimed my wife was never told the amount; no record of any conversation with her existed. I then asked how it was possible that my wife made this call, made the payment on the phone and how the check had posted to my wife's account if this call had not taken place? I then requested to know why: 1) My lawful wife, Wendy, was not on the account as previously requested and we previously had been told had been done. 2) Why we continued not to receive bills in the mail. 3) Why we could not access our account online or to make payments, even though we had been told this would be fixed? She went through her account notes and indicated that my wife had in fact talked to a Pasty Zemlock and it was noted that she had been given access by me to the account. However, for some reason, it never happened. She then indicated that we do not receive statements because we had only e-billing. I assured her this was not the case. Coral then reversed her prior statement and indicated I was right correct in my assertion. I asked why we do not have online access and she indicated our password had been changed. We then established the password had not in fact changed. She told me my wife had access as of today and I needed to pay the balance in full including a "disconnect charge" Coral told me she could not do anything about the other problems. I became irritated and yelled at her without being abusive that I would no longer tolerate the problem. She did agree to remove one fee after my outburst and told me she could do no more and would transfer me to their "Internet" people about the rest. She still did not seem to fully understand the fact that July 9th (the date of the call and payment), July 12th (the date it posted) both precede July 14th (the date of disconnection) She also did not understand that all we had to work with on July 9th was the amount given to my wife reluctantly by the Cingular customer service rep, so we paid in full based upon the information we were given. Despite her Gregorian Calendar sequential interpretation confusion issues, she did not get abusive as other Cingular representatives have in the past.

I was transferred to a customer representative named Jennifer Unger. Jennifer was very polite, extremely pleasant. She expressed dismay about our difficulties and seemed angered that a valued long time customer had been treated in this manner. She agreed to help us resolve the issues. First, she confirmed that I in fact was using the correct password for the account online and over the phone. Second, Jennifer checked and confirmed though reminders are sent to my email address that my bill is now ready online, we do not have e-billing and our bill is supposed to be sent by traditional mail. She immediately saw to it that I would receive a bill at my correct home address for the prior two months. She then confirmed that my account was inaccessible by trying it herself, with the correct password. She reset the account so the password would be emailed to me. She then attempted to inquire with her manager about the feasibility of having the unjustified "disconnect" charges removed. She gave me the name of her manager "Gloria Masterson", and went to discuss the matter with her. While she did this, I checked my email and found my new password. I logged into my account and was prompted to reset my password. When I did this, I was given a message indicating the password had been successfully changed. I then went onto the next window and was given an error message asking me to contact a Cingular representative. I tried two more times and was still unable to log in. Jennifer then returned and told me her manager was away, but she would advise her of the ongoing problems and call me back. I told Jennifer that the reset was not working. She tried this again herself and confirmed that she was experiencing the same error. She said she would forward the problem to Cingular's Internet people and see they resolved it. She advised me this may take some time. Jennifer also told me she would contact the accounts people to dispute the charges added to our account given the situation and she would see to it we have no interruption of service. Her manager returned and she asked her about the situation. Gloria Masterson was unable to address things, but said she would have the regional manager Yolanda Glass address the matter. Jennifer Unger checked and made certain my wife was added to our account and confirmed the password is correct. Unfortunately she was limited to resolve everything through no fault of her own, but she contacted people who should be able to resolve the other issues. Jennifer was polite, pleasant, helpful, and professional. Jennifer displayed character and served us and Cingular well. This seems to be a rarity at Cingular and I hope she does not lose her job for displaying such admirable qualities. Though Jennifer was pleasant and made every attempt to correct the problems immediately, her hands were tied by the limitations she has been saddled with by Cingular. I strongly believe Jennifer did do everything within the scope of her authority and passed what she could not do onto others who should be more able to address the specific problems Cingular left

Jennifer no immediate remedy for.

Today, my wife and I spent a combined total of around two hours on the phone with Cingular. This is not an isolated instance but a frequent unnecessary occurrence and a waste of our time, which we hold to be very personally and professionally valuable.

Summary

I have asked others I know about their wireless experiences. From my conversations most I know indicated if they had used Cingular, their experiences were also very negative. Several similar stories to mine have been shared with me. My opinion is the following:

- 1) **Cingular appears to fail to provide adequate service and reception in my area.** No real recent improvement appears to have been made from the vantage point of me as a consumer and customer. My personal experiences and observations have caused me to form such an opinion at this time. The best service I have experienced under Cingular was in Portland, Oregon while roaming on another carrier's network (I have been told, perhaps errantly that this was facilitated through the wireless provider Qwest). In my opinion, Cingular has made no real improvement in this area through TDMA, Gait use and other multiple analogue/digital band offerings, or GSM service.
- 2) **Cingular seems to fail to provide billing or make this billing available as required.** The detailed billing as agreed upon has frequently been unavailable to me in either paper delivery by standard US mail or via the supposedly offered electronic format. Attempts to obtain such billing have previously resulted in statements to me from some Cingular employees that I would be additional charged for such access \$5.00 per statement. My personal experiences and observations have caused me to form an opinion that the aforementioned opinion might be accurate.
- 3) **Cingular appears to be as a whole completely unresponsive to correcting deficiencies.** It could appear to an outside observer to be virtually a corporate policy to maintain these deficiencies.
- 4) These deficiencies could be more than just bad service. It appears to me as a customer that perhaps **Cingular could possibly be employing a corporate culture that encourages such deficiencies.** Such a practice would result in additional fees, causing monthly costs far in excess of the rates they claim to offer. It appears to me as an outside observer that "price gouging" may in fact be taking place through such "fees". A full investigation into this possibility seems appropriate at this time.
- 5) **It is possible that perhaps Cingular is able to survive despite such apparent deficiencies because of a lack of viable competition in a large number of regions, in part due to Cingular's size, purchasing power, infrastructure assets and market control.** Cingular is presently the second largest wireless carrier in the US and held by the powerful and large parent company of Bell South.
- 6) **Cingular's acquisition of AT&T wireless should be delayed or blocked until a full investigation into both Cingular's business practices and the impact of such an acquisition is fully investigated.** A determination should be made of the impact such an acquisition will make on the consumer before such an acquisition should be permitted to progress any further.

My sincere hope is that the problems myself and my wife have personally experienced are the result of a few, limited, underlying dysfunctional divisions or employees of Cingular or subcontractors they may employ. Jennifer Unger is unfortunately one of the few examples contradicting opinions created by such personal observations. Jennifer should be commended, rewarded and perhaps promoted for her efforts and professionalism. More quality individuals of character like her she be hired and trained if Cingular is truly interested in improving their business practices. My hope is that the opinions I have formed from observations based on my experiences are unfounded. But such equations such as that of AT&T wireless should be based on factual analysis of the impact on consumers. This should be something that benefits the average customer and encourages good business, not just AT&T stockholders and Cingular's market control. Consumers consistently rank Cingular at the bottom of the heap. More information can be found at the following URL:

<http://wirelessadvisor.net/doc/13382>

I would appeal to all the parties to not just correct any deficiencies from my personal experience, but ensure that others will not be burdened with any choice but to share similar negative experiences. My wife and I both work full time, raise three children and work hard. We value our time both professionally and personally, it is a precious commodity, particularly with our children. I did not renew a once valued relationship I had with Ameritech via Cingular and expect to have been obligated to sample the mostly negative experiences my wife and I have endured as a result of our choice. No other customer of a wireless company should have to endure similar experiences. I urge all of you to act pro-actively in a positive manner to see to it that this is not the case.

Sincerely,

Chris Nascimento,
Concerned Consumer and Cingular Wireless Customer

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